IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 9432 of 1994

Between:

Smt.K.Mariyamma W/o K.Aroon, Occ: Nil, R/o 1st Line, Ankamma Nagar,

Guntur-4.

... PETITIONER

AND

1) The State of Andhra Pradesh rep. By its Secretary to Government,

Social Welfare Department, Secretariat, Hyderabad.

2) The District Social Welfare Officer, Guntur

3) The Deputy Director, Social Welfare, Guntur.

4) The Employment Exchange Officer, Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents to consider the case of the petitioner for appointment as Worker or in any Class –IV post in the existing vacancies or in any of the Hostels in the jurisdiction of the respondents 2 and 3, and pass such other orders in the interests of justice.

Counsel for the Petitioner: MR.D.PANDURANGA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

The Court made the following:

O R D E R :-

This writ petition is filed seeking a direction to the respondents to consider the case of the petitioner, for appointment as Worker, in the existing vacancies or in any of the Hostels, in the jurisdiction of respondents 2 and 3 on the existing terms and conditions.

The petitioner claims that she was initially appointed on 22.07.1982 as Worker in Dress Making Training Centre, Guntur, on Daily Wage basis at Rs.6/- per day. The second respondent ratified the said appointment from time to time. The petitioner states that she worked from 22.7.1982 to 15.07.1987 continuously, however, with some artificial break which is evident from the certificate issued by the third respondent-Deputy Director of Social Welfare, Guntur, dated 26.4.1994. The petitioner states that at the time of her oral termination, respondents 2 and 3 stated that at present there is no work in the Dress Making Centre and as and when the

work is there, her case will be considered for re-appointment. Though, there are number of vacancies existing in their jurisdiction, respondents 2 and 3 are appointing candidates on regular basis by way of Employment Exchange. Therefore, she approached this Court seeking the above relief.

The respondents 2 and 3 filed counter affidavit *inter alia* stating that the petitioner was taken on daily wages on 22.7.1982 at the rate of Rs.6/- per day. The relevant paragraph of the counter reads as under: -

> As no post was sanctioned to the D.M.T.C and the work turned out by the D.M.T.C is more than staff for which sanction was accorded, there is no alternative for meeting the day-to-day work, the then instructress had taken the petitioner on daily wages and terminated time-to-time whenever the work is not there. Evidently, she was taken only on daily wage was also incurred from amount of the savings available in the D.M.T.C Guntur. Thus, her services were utilized on daily wages during the following periods.

1.From 22-7-82 to 31-12-82

2.From 01-01-83 to 30-09-83

3.From 02-01-84 to 13-01-84

4.From 06-02-84 to 30-11-84

5.From 11-12-84 to 31-12-84

6.From 07-02-85 to 31-10-85

7.From 19-11-85 to 31-12-86

8.From 01-01-87 to 15-07-87

In fact, the services of the petitioner were taken on daily wages basing on the need of the work and that the petitioner was not taken against the posts sanctioned. Therefore, it is not possible for them to appoint her on permanent basis, as her services were not utilized continuously for a period of five years. The counter further states that the petitioner never approached the authorities or made any request for her appointment on permanent basis

Considering the above facts and circumstances, and in view of the fact that the petitioner claims to have worked from 22.07.1982 to 15.07.1987, the respondents are directed to consider the case of the petitioner, in accordance with the rules, and

pass appropriate orders within a period of eight weeks from the date of receipt of the copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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GHULAM MOHAMMED, J

15th July, 2004

Kk/Rar

To

1) The Secretary to Government, State of Andhra Pradesh

Social Welfare Department, Secretariat, Hyderabad.

2) The District Social Welfare Officer, Guntur

3) The Deputy Director, Social Welfare, Guntur.

4) The Employment Exchange Officer, Guntur.

5) 2CCs to G.P for Social Welfare, High Court of A.P.,Hyd.(OUT)

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